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OFFICE OF PETITIONS

ON PETITION

In re Application of
Michel L.P.M. Verhoeven
Application No. 09/721,881
Filed: November 27, 2000
Attorney Docket No. P-4566

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on April 15, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 17, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight October 17, 2002.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies slightly from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the petition for extension of time was submitted subsequent to the maximum extendable period for reply, the extension of time and fee is unnecessary.

The petition is **GRANTED**.

The application is being forwarded to Technology Center 3700.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

Andrea Smith
Petitions Examiner
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for Patent Examination Policy